

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

KYMM M. EHLER,

Plaintiff,

vs.

WHEATON FRANCISCAN MEDICAL
PLAN, *et al.*,

Defendants.

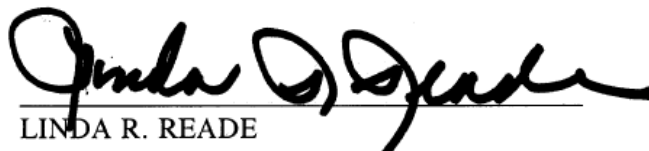
No. 08-CV-2021-LRR

ORDER

The matter before the court is the United States Magistrate Judge's Report and Recommendation (docket no. 58). Neither party filed objections to the Report and Recommendation within the ten-day period, as required by the Report and Recommendation, Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1)(C). Further, the court finds no plain error in the Magistrate Judge's decision. Accordingly, the court **ADOPTS** the Report and Recommendation. The court **AFFIRMS** the Plan Administrator's decision to deny Plaintiff benefits. The Clerk of Court is directed to **CLOSE THIS CASE**. Plaintiff shall pay Defendants' ordinary costs. Pursuant to the court's Order (docket no. 47) of March 18, 2009, Defendants may also refile a motion for attorney fees and other costs **on or before July 17, 2009, at 5 p.m.**

IT IS SO ORDERED.

DATED this 10th day of July, 2009.


LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA